

TITLE 15A

PUBLIC ADVOCATE

CHAPTER 1

DEPARTMENT OF THE PUBLIC ADVOCATE

Authority

N.J.S.A. 52:14B-3(1) and 52:27EE-5.

Source and Effective Date

R.2007 d.311, effective September 12, 2007.
See: 39 N.J.R. 4859(a).

Chapter Expiration Date

Chapter 1, Department of the Public Advocate, expires on September 12, 2012.

Chapter Historical Note

Chapter 1, Public Interest Advocacy, was adopted as R.1977 d.362, effective September 23, 1977. See: 9 N.J.R. 347(a), 9 N.J.R. 541(b).

Chapter 2, Organizational Rules, was adopted as R.1990 d.56, effective December 27, 1989. See: 22 N.J.R. 557(a). Pursuant to N.J.S.A. 52:27E-50 et seq. (P.L.1994, c. 58), the Department of the Public Advocate was abolished, effective July 1, 1994, and its rules concerning organization, function, practice and procedure were rendered "null and of no effect."

Chapter 1, Department of the Public Advocate, was adopted as new rules by R.2007 d.311, effective September 12, 2007. See: Source and Effective Date.

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SUBCHAPTER 1. ORGANIZATION

15A:1-1.1 Public Advocate

(a) The Public Advocate is the administrator and chief executive officer of the Department and is appointed by the Governor, with the advice and consent of the Senate, to serve during the Governor's term of office. The Department of the Public Advocate is responsible for:

1. Providing advocacy and counsel for individuals diagnosed as mentally ill or developmentally disabled;
2. Investigating complaints from citizens about State government;
3. Representing the public in rate proceedings;
4. Representing the public interest; and
5. Securing the health, safety and welfare of the elderly population as prescribed in N.J.S.A. 52:27EE-1 et seq.

15A:1-1.2 Divisions and Offices within the Department

(a) The Office of the Public Advocate provides administrative support to the Public Advocate and coordinates the administration of the Divisions within the Department that are subject to the supervision of the Public Advocate. The Office is responsible for establishing departmental policies and procedures and for connecting with the Legislature. Merged with the Office is the Division of Administration, which is responsible for preparing the Department's budget, fulfilling personnel requirements, and providing public information concerning departmental activities.

(b) The Division of Mental Health Advocacy is responsible for providing advocacy, as well as individual test case and class action representation for patients, residents, and clients of mental health facilities and programs in New Jersey or for New Jersey residents to ensure the adequacy of care and to improve their quality of life.

1. Representation of individuals at involuntary commitment hearings held pursuant to N.J.S.A. 30:4-27.12 is limited to individuals committed from the Counties of Atlantic, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Monmouth, Ocean, Salem and the children committed from Bergen County. Representations of individuals at involuntary commitment hearings held pursuant to N.J.S.A. 30:4-27.29 is not limited by county of residence or county of commitment.

2. Representation in test case or class action litigation, as defined in N.J.S.A. 52:27EE-31, is not subject to the limitation in (a)1i above.

3. The Division operates four regional field offices in Gibbsboro, Trenton, Newark, and Asbury Park.

4. Questions concerning general policies should be directed to the Division's Trenton Office, PO Box 854, Trenton, NJ 08625-0854.

(c) The Division of Advocacy for the Developmentally Disabled is responsible for protecting and advocating for the legal, civil and human rights of people with developmental and similar disabilities through the provision of information and referral services; investigative and monitoring services; mediation and negotiation; technical assistance and training for consumers, advocates and public and private service providers and agencies; and outreach services.

1. Questions concerning general policies should be directed to the Division's Trenton Office, PO Box 851, Trenton, NJ 08625-0851.

(d) The Division of Public Interest Advocacy may receive and investigate complaints and provide such legal representation and other advocacy services as the Public Advocate deems appropriate to protect and advocate the rights of any

group or interest deemed appropriate by the Public Advocate. The Division of Public Interest Advocacy may, in its discretion, commence negotiation, mediation, or alternative dispute resolution prior to, or in lieu of, the initiation of any litigation.

1. Questions concerning general policies should be directed to the Division's Trenton Office, PO Box 851, Trenton, NJ 08625-0851.

(e) The Division of Citizen Relations and Dispute Settlement is responsible for three functions: receiving and investigating complaints from citizens about the actions or inactions of State executive agencies through the Office of Citizen Relations; mediating civil court cases, managing dispute resolution programs and providing dispute resolution training through the Office of Dispute Settlement; and resolving complaints by State prison inmates regarding their treatment through the Office of the Corrections Ombudsman.

1. Questions concerning general policies should be directed to the Division's Trenton Office, PO Box 853, Trenton, NJ 08625-0853.

(f) The Division of Rate Counsel is responsible for representing and protecting New Jersey consumer interests before State and Federal agencies in proceedings before and appeals from any State department, commission, authority, council, agency or board charged with the regulation or control of any business, industry or utility regarding a requirement that the business, industry, or utility provide a service or regarding the fixing of a rate, toll, fare, or charge for a product or service. The resources of the Division of Rate Counsel are devoted to the maximum extent possible to ensuring adequate representation of the interests of those consumers whose interests would otherwise be inadequately represented in matters within its jurisdiction.

1. The Division of Rate Counsel represents and protects the public interest in significant proceedings in insurance matters that pertain solely to prior approval rate

increases for personal lines property casualty coverages or medicare supplemental coverages, if such proposed increases are greater than seven percent.

2. Questions concerning general policies should be directed to the Division's Newark Office, 31 Clinton Street, 11th Floor, Newark, NJ 07101.

(g) The Division of Elder Advocacy is responsible for securing, preserving and promoting the health, safety and welfare of New Jersey's elderly population, through investigations of abuse and neglect, legislative and regulatory advocacy, policy work, education and outreach. Within the Division of Elder Advocacy is the Ombudsperson for the Institutionalized Elderly, whose duty is to receive, investigate and resolve complaints concerning certain health care facilities serving the elderly, and to initiate actions to secure, preserve and promote the health, safety and welfare, and the civil and human rights, of the elderly patients, residents and clients of such facilities. The Ombudsperson for the Institutionalized Elderly has been designated the State Long-Term Care Ombudsman pursuant to and in accordance with the provisions of 42 U.S.C. §§3058g et seq.

1. Questions concerning general policies should be directed to the Division's Trenton Office, PO Box 851, Trenton, NJ 08625-0851.

15A:1-1.3 Child Advocate

The Office of the Child Advocate is allocated within the Department of the Public Advocate but is independent of supervision and control by the Department and its officers and divisions. The purpose of the Child Advocate is to ensure that children at risk of abuse and neglect receive effective, appropriate and timely services, and that children under State supervision due to abuse or neglect are served adequately and appropriately by the State.